

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 August 2025

DOCKET NUMBER: AR20240007416

APPLICANT REQUESTS: correction of his records to reflect payment of his Warrant Officer Accession Bonus (OAB) in the amount of \$20,000.00.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 3 January 2002 showing prior service as a Cadet with the U.S. Military Academy West Point from 29 June 1998 to 3 January 2002
- DD Form 214, ending 15 January 2015
- DD Form 214, ending 21 August 2016 showing a period of active duty in support of Operation Freedom-Horn of Africa from 13 November 2015 to 21 August 2016
- Order Number 0007258630.00, dated 13 February 2024
- Special Orders Number 61 AR, dated 13 February 2024
- Memorandum, Subject: Notification of Potential Entitlement to Incentive Payment(s), dated 14 March 2024 notifying him that he may have unpaid bonus incentive monies from an OAB, Control Number [REDACTED], and referring him to contact the Army Board for Correction of Military Records for assistance

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states, in pertinent part:
 - He received a letter from the Army National Guard (ARNG) notifying him that he may not have received his incentive prior to separation
 - Although he is unaware of what bonus he missed, he submitted application to verify if any funds are owed to him
3. A review of the applicant's service record reflects the following:

- Having prior service as a Cadet in the U.S. Army Reserve (USAR), on 8 May 2005, a Memorandum for Appointment as a Reserve Commissioned Officer of the Army was issued. In conjunction, he accepted a Reserve commission and executed an oath of office
 - Orders Number 340-26-A-2546, dated 6 December 2005 was issued ordering him to active duty effective 16 January 2006
 - Orders Number 220-0259, dated 8 August 2014 was issued reassigning him to the Army transition point for transition processing and release from active duty and transfer to the USAR Control Group (Reinforcement), effective 15 January 2015
 - On 13 November 2014, he signed a Written Agreement Officer Affiliation Bonus, bearing Control Number [REDACTED] entitling him to a \$20,000.00 bonus for a 3-year contract agreement with the ARNG in the area of concentration (AOC) 18A Special Forces
 - Orders Number 321-0256, dated 17 November 2014 was issued amending Orders Number 220-0259 changing his unit of assignment from USAR Control Group (Reinforcement) to reflect Company C, 2nd Battalion, 20th Special Forces Group
 - DD Form 214, ending 15 January 2015 reflects honorable release from active duty with transfer to the USAR with service from 15 January 2006 to 15 January 2015 for a net active service period of 9 years and 1 day
 - On 16 January 2015, a Memorandum for Appointment as a Reserve Commissioned Officer of the Army was issued. In conjunction, NGB Form 337 (Oaths of Office) shows he accepted commission with the Mississippi Army National Guard (MSARNG) and executed an oath of office
 - Orders Number 038-803, dated 7 February 2015 was issued for retroactive recognition of his appointment with the ARNG Special Forces Branch, effective 16 January 2015
 - Special Orders Number 32, dated 11 February 2015 was issued for retroactive Federal recognition of his transfer to the USAR, effective 16 January 2015
 - On 3 June 2021, a Memorandum for Notification of Eligibility for Retired Pay for Non-Regular Service (20 Years) was issued
 - Order Number 0007258630.00, dated 13 February 2024 was issued transferring him to the Retired Reserve with a retroactive effective date of 1 February 2024. In conjunction, Special Orders Number 61 AR was issued for Federal recognition of his withdraw from the ARNG and transfer to the USAR Retired Reserve effective 1 February 2024
4. On 30 June 2025, the National Guard Bureau, Chief, Special Actions Branch, provided an advisory opinion recommending disapproval of the applicant's request stating, in pertinent part:

a. He was notified by the ARNG Incentives Branch that his OAB may not have been paid in its entirety. The applicant submitted an ABCMR request with supporting documents as directed.

b. The applicant signed an OAB Addendum in the MSARNG on 13 November 2014 for a minimum of 3 years as O-3 (CPT), Critical Skill (CS) 18A. He was eligible for a bonus totaling \$20,000, with a lump-sum payment to be processed upon his affiliation in the ARNG, reporting to his unit of assignment and verification of his CS qualification in GIMS. His contract start date was 16 January 2015.

c. Per his Defense Finance and Accounting Service pay record in GIMS, he was paid a total of \$20,000 through vouchers processed on 14, 19, and 21 August 2015. There are no remaining payments of his OAB that the applicant did not receive.

d. It is the recommendation of this office that the applicant's request be disapproved. His record in GIMS shows that he received all his OAB in August 2015 and there is no remaining payment to be made. He acknowledges this as well, stating that he is unaware of any potential entitlement. This was an error in the incentives system.

e. The ARNG Incentives Branch did not provide input for this recommendation.

f. The Alabama ARNG concurs with this recommendation.

5. On 2 July 2025, the applicant was provided a copy of the advisory opinion and given an opportunity to respond. He did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board concurs with the National Guard Bureau, Chief, Special Actions Branch, advisory official that states the applicant has already been paid in full his entire Officer Accession Bonus and that there are no payments left unpaid. In addition, the Board noted that the applicant was aware of no further payment that needed to be paid and that there was an error in the system. Therefore, the Board determined there was no error or injustice and denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XX	XX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

X//signed//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army National Guard Selective Reserve Incentive Policy Fiscal Year 15-01 states a member must commit to a minimum 3-year term of service to be processed in on lump sum payment upon affiliation with the ARNG, reporting to the unit of assignment and verification of the Critical Skill qualification.
3. Department of Defense Instructions 1205.21 (Reserve Component Incentive Programs Procedures), currently in effect, requires each recipient of an incentive to sign a written agreement stating the member has been advised of, and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive.
4. Title 31, USC, section 3702, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute have resulted in litigation in the U.S. Court of Federal Claims. In the case of *Pride versus the United States*, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.

//NOTHING FOLLOWS//